

Appl. No : 10/060,842
Filed : January 29, 2002

REMARKS

With this Amendment, Claims 1-19 and 31-36 are pending in the present application, Claims 1 and 9 are amended and new Claims 31-36 are added. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby.

Allowable Subject Matter

Applicant gratefully notes the Examiner's indication that Claims 4, 5, 7, 15-16 and 18 would be allowable if re-written in independent form. Applicant has re-written dependent Claims 4, 7, 15 and 18 as new independent Claims 31, 33, 34 and 36. Applicant respectfully disagrees with the Examiner's reasons for the indication of allowable subject matter to the extent that there is any implication that the patentability of the claims rests on the recitation of a single feature, because it is the combination of features that makes the claims patentable.

Claim Objections

The Examiner objected to Claims 1-8 and 9-19 because of informalities in Claims 1 and 9. Applicant has amended the Claims 1 and 9 according to the Examiner's suggestions.

Objection to the Specification

The Examiner objected to the disclosure because of an informality on page 6, line 9. Applicant has corrected the obvious typographical error as indicated above.

Obviousness under 35 U.S.C. § 103

Claims 1, 2, 6, 8-12, 17 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu et al. (U.S. 6,137,212), in view of Hong (U.S. 5,969,386). The Examiner asserted that Liu et al. teaches all of the limitations of the rejected Claims except for an aluminum layer incorporating nitrogen. The Examiner further asserted that Hong teaches an aluminum layer incorporating nitrogen for use in a display device.

Hong discloses an aluminum gate for a thin film transistor. As described in the abstract and throughout Hong, the aluminum gate of Hong is fabricated by implanting ions into the exposed surface of the formed aluminum film. Additionally, Claim 1 of Hong recites, an "aluminum layer including an exposed surface, the aluminum layer containing

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therein ions adjacent the exposed surface and not containing therein the ions remote from the exposed surface.”

Applicant submits that Hong does not suggest an aluminum film comprising nitrogen “throughout the layer” as recited by Applicant’s amended Claim 1. Furthermore, Applicant submits that the characterization of Hong suggested by his Claim 1 teaches away from providing nitrogen throughout the aluminum layer by requiring that the layer not contain “ions remote from the exposed surface.” Therefore, Applicant submits that Claims 1, 2, 6, 8-12, 17 and 19 are not rendered obvious by Hong, and respectfully requests that the rejections be withdrawn.

Claims 3 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu et al. in view of Hong, and further in view of Raina (US 6,064,149). Applicant notes that the ‘149 patent issued on May 19, 2000 (after the priority date of the present application), and thus could only qualify as prior art under 35 U.S.C. § 102(e). However, the ‘149 patent lists the sole Applicant of the present application, Kanwal K. Raina as the sole inventor of the patent. Therefore, U.S. Patent No. 6,064,149 does not qualify as prior art under 35 U.S.C. § 102(e) since the patent was not “by another.” Moreover, the sole inventor of both the ‘149 patent and the present application was under an obligation to assign both the ‘149 patent and the present application to the same entity, Micron Technology Inc. Therefore, Applicant submits that the rejections of Claims 3 and 13 under 35 U.S.C. § 103(a) is improper, and respectfully requests that the rejections be withdrawn.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu et al. in view of Hong, and further in view of Feng et al. (U.S. Patent No. 5,902,650). Applicant submits that the deficiencies of the combination of Liu and Hong discussed above are not cured by Feng et al. Thus, Applicant respectfully requests that the rejection of Claim 14 be withdrawn.

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CONCLUSION

The undersigned has made a good faith effort to respond to all of the rejections and objections in the present application and to place the claims into condition for allowance. Nevertheless, if any issues remain which can be resolved by telephone, the Examiner is respectfully requested to call Applicant's representative at the number indicated below in order to resolve such issues promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/6/04

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